

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVON HAWKINS,

Movant,

-v.-

UNITED STATES OF AMERICA,

Respondent.

24 Civ. 5953 (KPF)

21 Cr. 414-1 (KPF)

**ORDER DIRECTING
MOVANT'S ATTORNEYS
TO FILE AFFIDAVITS AND
DIRECTING THE GOVERNMENT
TO ANSWER**

KATHERINE POLK FAILLA, District Judge:

WHEREAS Davon Hawkins has moved for relief from his sentence pursuant to 28 U.S.C. § 2255 on the ground that one or more of his former attorneys, Anthony Cecutti, Calvin Harold Scholar, and/or Kestine Thiele, provided ineffective assistance of counsel, *inter alia*; and

WHEREAS the Court, after reviewing Mr. Hawkins's submission of his informed consent waiver of the attorney-client privilege and his 2255 petition, is satisfied that the testimony of Mr. Cecutti, Mr. Scholar, and Ms. Thiele is needed in order to allow the Government to respond to the motion; and

WHEREAS by making the motion, Mr. Hawkins has waived the attorney-client privilege as a matter of law,

IT IS HEREBY ORDERED that Mr. Cecutti, Mr. Scholar, and Ms. Thiele shall give sworn testimony, in the form of affidavits, addressing the allegations contained in Mr. Hawkins's 2255 petition, dated June 21, 2024. (24 Civ. 5953, Dkt. #1). Mr. Cecutti, Mr. Scholar, and Ms. Thiele are hereby ORDERED to submit such affidavits by **September 23, 2024**. Mr. Cecutti, Mr. Scholar, and Ms. Thiele are further directed to serve Mr. Hawkins with a copy of such affidavits, and to file proof of such service on the docket.

The Government will have **60 days** from the receipt Mr. Cecutti, Mr. Scholar, and Ms. Thiele's affidavits to submit an answer or other pleadings in response to the pending petition and affidavits. Mr. Hawkins shall have **30 days** from the date on which he is served with the Government's answer to file a response. Absent further order, the Court will consider the petition fully briefed following Mr. Hawkins's response.

All further papers filed or submitted for filing must include the criminal docket number and will be docketed in the criminal case.

The Clerk of Court is directed to electronically notify the Criminal Division of the U.S. Attorney's Office for the Southern District of New York that this Order has been issued. The Clerk of Court is further directed to mail a copy of this Order to Mr. Hawkins at his address of record.

SO ORDERED.

Dated: August 22, 2024
New York, New York



KATHERINE POLK FAILLA
United States District Judge

By First Class Mail To:

Davon Hawkins
Reg. No. 53891-509
FCI McKean Camp
P.O. Box 8000
Bradford, PA 16701

By ECF To:

Anthony Cecutti
Law Office of Anthony Cecutti
217 Broadway, Suite 707
New York, NY 10007

Thomas John Wright
U.S. Attorney's Office, SDNY
26 Federal Plaza, 37th Floor
New York, NY 10278

Calvin Harold Scholar
The C.H. Scholar Law Firm
225 Broadway, Suite 715
New York, NY 10007

Mary Christine Slavik
U.S. Attorney's Office, SDNY
26 Federal Plaza, 37th Floor
New York, NY 10278

Kestine Thiele
The Law Firm of Kestine M. Thiele
305 Broadway
Suite 700
New York, NY 10007